

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ARIEL INVESTMENTS, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 15-cv-3717
	)	
ARIEL CAPITAL ADVISORS LLC	)	
	)	
Defendant.	)	

**Plaintiff Ariel Investments' Motion to Amend the Deadline for  
Filing Dispositive Motions and to Set a Briefing Schedule**

This Court ordered the parties to discuss a dispositive motion briefing schedule. To that end, plaintiff Ariel Investments, LLC has asked defendant Ariel Capital Advisors LLC to confer and try to reach an agreement on a briefing schedule for upcoming summary judgment motions. Ariel Capital has refused to respond to the briefing schedule suggested by Ariel Investments or propose its own schedule. Therefore, Ariel Investments is left with no option other than to respectfully ask the Court to set a briefing schedule.

In support of this Motion, Ariel Investments further states as follows:

1. Ariel Investments filed this trademark infringement action on April 28, 2015. (Dkt. 1.) Discovery in this case closed on May 27, 2016 (Dkt. 65), and the parties completed all depositions on July 29. Moreover, neither party has offered any expert testimony and the deadline to do so passed on August 5. (*Id.*)
2. This action is set for trial on February 6, 2017. (*Id.*)
3. Therefore, Ariel Investments is prepared to move for summary judgment. During the status hearing held on August 10, Ariel Investments informed the Court that it is prepared to

move for summary judgment by September 21. In response, Ariel Capital stated that it was unable to confirm if it planned to file a dispositive motion or commit to a briefing schedule until it had a chance to review the last deposition transcript. Therefore, the Court ordered the parties to discuss a dispositive motion briefing schedule and contact the Court's courtroom deputy for the Court's approval of the schedule. (Dkt. 102.)

4. Immediately following the August 10<sup>th</sup> status hearing, counsel for Ariel Investments attempted to discuss a possible summary judgment schedule with counsel for Ariel Capital in the hallway outside the courtroom. Counsel for Ariel Capital stated they could not agree to a dispositive motion briefing schedule because Mr. Bray, counsel for Ariel Capital and also the principal of Ariel Capital, had not been able to review the rough draft of Ariel Investments' Rule 30(b)(6) deposition transcript because it had been designated as "HIGHLY CONFIDENTIAL." To expedite matters, Ariel Investments agreed that Mr. Bray was free to review the transcript.

5. Nevertheless, following another telephone call with counsel on August 22, Ariel Capital still declines to discuss a briefing schedule. Therefore, Ariel Investments respectfully requests that the Court enter the following schedule:

Dispositive motion filing deadline	September 21, 2016
Response to dispositive motions	October 19, 2016
If Ariel Capital files a cross-motion, then no reply briefs	
Reply brief, in the event Ariel Capital does not file a cross-motion	November 2, 2016

6. Each party's opening brief shall be limited to 25 pages. Each party's response brief shall be limited to 15 pages. If necessary, Ariel Investments' reply brief shall be limited to 10 pages.

In conclusion, Ariel Investments respectfully requests that the Court grant this Motion and adopt the briefing schedule and page limits set forth above.

Dated: August 23, 2016

By: /s/ Zachary J. Watters  
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***Attorneys for Plaintiff Ariel Investments, LLC***

**CERTIFICATE OF SERVICE**

I, Zachary J. Watters, an attorney of record in this matter, certify that on August 23, 2016, I caused a copy of the following document:

**Plaintiff Ariel Investments' Motion to Amend the Deadline for  
Filing Dispositive Motions and to Set a Briefing Schedule**

to be filed with the Clerk of Court of the United States District Court for the Northern District of Illinois by electronic (ECF) filing, which provides service for the following counsel of record by email delivery:

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